



United States Department of the Interior

BUREAU OF LAND MANAGEMENT
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Determination of NEPA Adequacy (DNA)

Right-of-Way Grant to Authorize Land Use for Oil Discharge Prevention and Contingency Plan Containment Site on the Donnelly Training Area West at Jarvis Creek

DOI-BLM-AK-994-2008-0005-DNA

BLM Office: Office of Pipeline Monitoring

Tracking Number: DOI-BLM-AK-994-2008-0005-DNA

BLM Case File No. FF094977

Proposed Action Title: Right-of-Way Grant to Authorize Land Use for Oil Discharge Prevention and Contingency Plan Containment Site on the Donnelly Training Area West at Jarvis Creek

Location and Legal Land Descriptions of Proposed Action: The one (1) acre site is located west of Richardson Highway at approximately MP 264 along Jarvis Creek in T. 10 S., R. 10 E., Sec. 26, Lot 2 of USS 2626, Fairbanks Meridian, Alaska.

Applicant: Alyeska Pipeline Service Company, P.O. Box 196660, MS 502, Anchorage, AK 99519-6660

A. Description of the Proposed Action and any applicable mitigation measures:

BLM proposes to grant a right-of-way to Alyeska Pipeline Service Company (APSC), operator of the Trans-Alaska Pipeline System (TAPS), to authorize the use of one acre of land outside of the TAPS Right-of-Way to maintain an oil discharge prevention and contingency plan containment site on military lands. The right-of-way grant would be issued for the period remaining in the TAPS grant, which will expire on January 22, 2034, at noon, Washington, D.C. time. This site is on the Donnelly Training Area West adjacent to Jarvis Creek along TAPS. BLM shall obtain a letter of concurrence/non-objection from the Department of Defense, U.S. Army in accordance with the *Renewal of the Agreement and Grant of Right-of-Way for the TAPS and Related Facilities*, as part of the processing of the application for a grant of right-of-way.

The area has been previously used to access Jarvis Creek from the Richardson Highway. The BLM grant would allow for surface use, which are expected to have minimal impacts, including the placement of a conex container to secure emergency oil spill containment equipment, use of

the site for oil spill training exercises (line-wide three to five training exercises are planned each year), and as needed the brushing of vegetation at the site to maintain quick access.

Mitigation Measures:

These mitigation measures will be part of the Special Stipulations attached to Right-of-Way Grant FF094977.

1. This Right-of-Way Grant shall be subject to the terms, conditions and stipulations of the Renewal of the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline and Related Facilities between the United States of America and Amerada Hess Corporation, et al, dated January 8, 2003, which became effective on January 22, 2004, at noon, Washington, D.C. time. It shall be provided, however, that in the event of a conflict, either express or implied, between any provisions of the Federal Agreement for TAPS and any provision of this Right-of-Way Grant, such conflict shall be resolved in favor of this Grant.
2. Primary access shall be limited to the work pad and existing roads, unless specifically authorized in writing.
3. The Right-of-Way Grant area limits shall be staked prior to commencement of surface disturbing activities.
4. This Right-of-Way Grant is on military lands which are under the jurisdiction of the U.S. Army. However, upon expiration or termination of use, the land area shall be restored to the satisfaction of the Authorized Officer and in accordance with 43 CFR 2885.11(b), *Terms and Conditions of Use*.
5. Land use activity, including any construction, shall be conducted to minimize disturbance to existing vegetation.
6. Fuel storage is not allowed within the Right-of-Way Grant area.
7. Temporary trash storage is not allowed in the Right-of-Way Grant area. Waste materials will be removed from the grant area to appropriate facilities on a regular basis.
8. The Authorized Officer may require that his authorized representative be on site during operations conducted under this Right-of-Way Grant. The grant holder will notify the Supervisory Program Administrator of the JPO Fairbanks Field Office at (907) 474-2383 during regular business hours at least 48 hours before beginning work on the project.
9. The Right-of-Way Grant holder shall inform and ensure compliance with these stipulations by its agents, employees, and contractors (including subcontractors at any level).
10. This Right-of-Way Grant authorizes land use for a related facility to the *Renewal of the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline and Related Facilities between the United States of America and Amerada Hess Corporation, et. al.*, dated January 8, 2003, which became effective on January 22, 2004.

11. There shall be no damage or disturbance of any archaeological or historical sites, and artifacts, including prehistoric stone tools and sites, historic log cabins, remnants of such structures, refuse dumps, graves, and no collection of any artifacts whatsoever. In addition, collection of vertebrate fossils, including mammoth and mastodon bones, tusks, etc. is strictly prohibited. If historic or archaeological resources are encountered, the BLM Fairbanks District Office cultural resources staff will be immediately notified.
12. The Department of the Army, U.S. Army Engineer District, Alaska, is to be provided a copy of all changes and updates to the proposed right-of-way grant. All exercises and actual spill responses will be coordinated with Garrison Commander and the Director of Public Works, including copies of after action reports and any sampling and analysis conducted on the Donnelly Training Area West.
13. Any helicopters wishing to enter the airspace of Donnelly Training Area West, Alaska, must obtain prior authorization from the Garrison Commander and the Director of Public Works before entering Donnelly Training Area West airspace.
14. Any helicopters wishing to enter the airspace of Fort Greely, Alaska, must obtain prior authorization from the Garrison Commander and the Director of Public Works before entering Fort Greely airspace.

B. Land Use Plan (LUP) Conformance

Utility Corridor Resource Management Plan and Final Environmental Impact Statement, U.S. Department of the Interior, Bureau of Land Management, January 1991.

1. The proposed action is in conformance with the applicable LUP because it is specifically provided for in the following LUP decisions:

Issuance of rights-of-way for oil and natural gas pipelines and related facilities are dealt with specifically on page 2-24 of the Utility Corridor RMP, "FLPMA leases on federal lands would be considered where environmentally feasible and compatible with management objectives" and on page 2-23 the issuance of rights-of-way for oil and natural gas pipelines and related facilities is referred to under the heading Rights-of-Way.

2. The proposed action is in conformance with the LUP, even though it is not specifically provided for, because it is clearly consistent with the following LUP decisions (objectives, terms, and conditions):

N/A

C. Identify applicable NEPA documents and other related documents that cover the proposed action.

1. List by name and date all applicable NEPA documents that cover the proposed action.

a. *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way*, U. S. Department of the Interior, Bureau of Land Management, BLM-AK-PT-03-005-2880-990, November 2002. The BLM completed a Final Environmental Impact Statement (FEIS) that identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with renewal of the TAPS Right-of-Way. The FEIS and Record of Decision stated there were no probable significant adverse environmental impacts from the TAPS Right-of-Way authorization and continued operation and maintenance along TAPS for an additional 30 years.

b. *Final Environmental Impact Statement, Proposed Trans-Alaska Pipeline*, Prepared by a Special Interagency Task Force for the Federal Task Force on Alaskan Oil Development, U.S. Department of the Interior, 1972. The U.S. Department of Interior completed a FEIS that identified and analyzed the probable direct, indirect, and cumulative environmental impacts associated with the construction, operation and maintenance of TAPS for the first 30-year term of the Right-of-Way Grant. The Record of Decision stated there were no probable significant adverse environmental impacts from the TAPS Right-of-Way authorization and continued operation and maintenance along TAPS.

c. Programmatic Environmental Assessment for TAPS Pipeline Maintenance Activities, EA No. AK-993-04-001, March 26, 2004. This EA analyzed impacts of Alyeska's routine maintenance and protection of the TAPS, including the location and maintenance of oil spill contingency plan sites, and updated Programmatic EA No. 96-002, completed January 4, 1996. The Finding of No Significant Impact (FONSI) found that no significant environmental impact resulted from the location, maintenance, and access to oil spill contingency plan containment sites along TAPS.

2. List by name and date other documentation relevant to the proposed action (e.g., biological assessment, biological opinion, watershed assessment, allotment evaluation, and monitoring report).

a. The BLM Renewal of the Agreement and Grant of Right-of-Way for the Trans-Alaska Pipeline and Related Facilities, January 2003.

D. NEPA Adequacy Criteria

1. Is the new proposed action a feature of, or essentially similar to, an alternative analyzed in the existing NEPA documents? Is the project within the same analysis area, or if the project location is different, are the geographic and resource conditions sufficiently similar to those analyzed in the existing NEPA documents? If there are differences, can you explain why they are not substantial?

The proposed action is within the same analysis area and part of the actions previously analyzed in the *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way*, U.S. Department of the Interior, Bureau of Land Management, BLM-AK-PT-03-005-2880-990, November 2002, Section 3.1-14 Oil Spill Emergency Response. The FEIS states:

"The TAPS is required to comply with the TAPS Oil Discharge Prevention and Contingency Plan (CP-35-1) approved every three years by multiple federal and state agencies. The plan covers the following: (1) equipment and resources and field training for spill responders; (2) electronic leak detection capabilities; (3) improved leak detection and leak prevention alarm systems for pump station tanks; (4) more than 220 sites along the pipeline ROW designated as oil spill equipment staging and deployment areas, and dedicated oil spill contingency plan buildings and equipment at each pump station; (5) mutual aid agreements with villages near the pipeline to use residents and equipment in the event of a spill; (6) 12 spill scenarios covering a variety of terrain, oil products, spill volumes, and seasonal conditions; and (7) aerial photographs of the pipeline to aid in spill response planning."

2. Is the range of alternatives analyzed in the existing NEPA documents appropriate with respect to the new proposed action, given current environmental concerns, interests, and resource values?

The range of alternatives is appropriate with respect to the current proposed action in the previously prepared NEPA documents listed above. The documents analyzed oil spill response activities and environmental concerns about oil spill response preparedness. The C-Plan requires Alyeska to conduct oil spill drill and exercise activities to be prepared in the event of an oil spill from TAPS. No adverse environmental impacts are expected to occur as the result of conducting drills for emergency oil spill response exercises.

3. Is the existing analysis valid in light of any new information or circumstances (such as, rangeland health standard assessment, recent endangered species listings, and updated lists of BLM-sensitive species)? Can you reasonably conclude that new information and new circumstances would not substantially change the analysis of the proposed action?

The Record of Decision for the *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way* states:

"Pursuant to the Endangered Species Act, the Fish and Wildlife Coordination Act, the Marine Mammal Protection Act and Essential Fish Habitat provision of the Magnuson-Stevens Fishery Conservation and Management Act, the BLM initiated consultation with the U.S. Fish and Wildlife Service and the National Marine Fisheries Service. Under Section 7 of the Endangered Species Act, the BLM prepared the Biological Evaluation of the Effects of Right-of-Way Renewal for the Trans-Alaska Pipeline System on Threatened and Endangered Species and Designated Critical Habitat (Biological Evaluation), dated June 2002. The Biological Evaluation identified five species of concern within the action area: spectacled eider, Steller's eider, humpback whale, fin whale, and Steller sea lion. It found there was no designated critical habitat within the action area for the TAPS renewal. The Biological Evaluation concluded that the proposed action was not likely to adversely affect the five species or any critical habitat. The National Marine Fisheries Service and the Fish and Wildlife Service each concurred with BLM's determination that the proposed action would not adversely affect the species of concern. BLM prepared an Essential Fish Habitat analysis. The National Marine Fisheries Service concurred that the Essential Fish Habitat consultation requirements of the Magnuson-Stevens Fishery

Conservation and Management Act have been satisfied and further concurred with BLM's determination that any short-term adverse effects on Essential Fish Habitat can be adequately avoided, minimized and mitigated by the conservation measures associated with the proposed action. "

Two species were listed as threatened after the referenced NEPA documents were published. In August 2005, the southwest Alaska distinct population segments (DPS) of the northern sea otter, *Enhydra lutris kenyoni*, and in May 2008, the polar bear, *ursus maritimus*, were listed as a threatened species by the U.S. Fish and Wildlife Service. Critical habitat has not been designated for either species. Habitat for the Alaska DPS of the northern sea otter is Aleutian Islands, Alaska Peninsula, and Kodiak Island. Habitat for the polar bear is on polar ice and in coastal areas along the northern and northwestern coasts of Alaska. The proposed action is outside of the known habitat area for both species.

4. Are the direct, indirect, and cumulative effects that would result from implementation of the new proposed action similar (both quantitatively and qualitatively) to those analyzed in the existing NEPA documents?

The direct and indirect effects of the current proposed action do not deviate from the impacts identified in the existing NEPA documents. Site-specific impacts related to the current proposal were sufficiently analyzed in the previous NEPA documents. The cumulative effects from the proposed action have not changed substantially from the impacts analyzed in the 2002 *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way*, which contains an extensive discussion of the cumulative effects of TAPS operations for the 30-year renewal period.

5. Are the public involvement and interagency reviews associated with existing NEPA documents adequate for the current proposed actions?

The public involvement and interagency review associated with the existing NEPA documents are adequate for the current proposed action due to the following:

a. Public Involvement. The *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way* underwent an exhaustive public involvement process. BLM enlisted all interested stakeholders in the renewal process, including government-to-government involvement with Alaska tribes, state and federal agencies that regulate TAPS activities, and special interest groups affected by TAPS activities. The entire renewal process, including all public hearings and meetings, received extensive coverage by newspaper, television, and radio media.

b. Interagency Review. During the *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way* process, BLM coordinated closely with the State of Alaska, as well as all JPO State and Federal stakeholder agencies and other Federal land management agencies, including the U.S. Forest Service and the National Park Service. The *Final Environmental Impact Statement, Renewal of the Federal Grant for the Trans-Alaska Pipeline System Right-of-Way* contains interagency reviews by the National Marine Fisheries Service and U.S. Fish and Wildlife, Alaska Region.

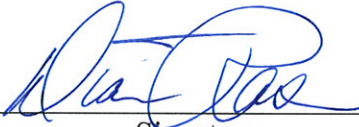

E. Persons/Agencies/BLM Staff Consulted

1. Diann Rasmussen, Preparer, Realty Specialist, BLM Office of Pipeline Monitoring
2. Howard Smith, Archaeologist, BLM Fairbanks District Office

Refer to the above referenced environmental documents for a complete list of the team members participating in the preparation of the original environmental analysis or planning documents.

CONCLUSION

Based on the review documented above, I conclude that this proposal conforms to the applicable land use plan and that the NEPA documentation fully covers the proposed action and constitutes BLM's compliance with the requirements of the NEPA.

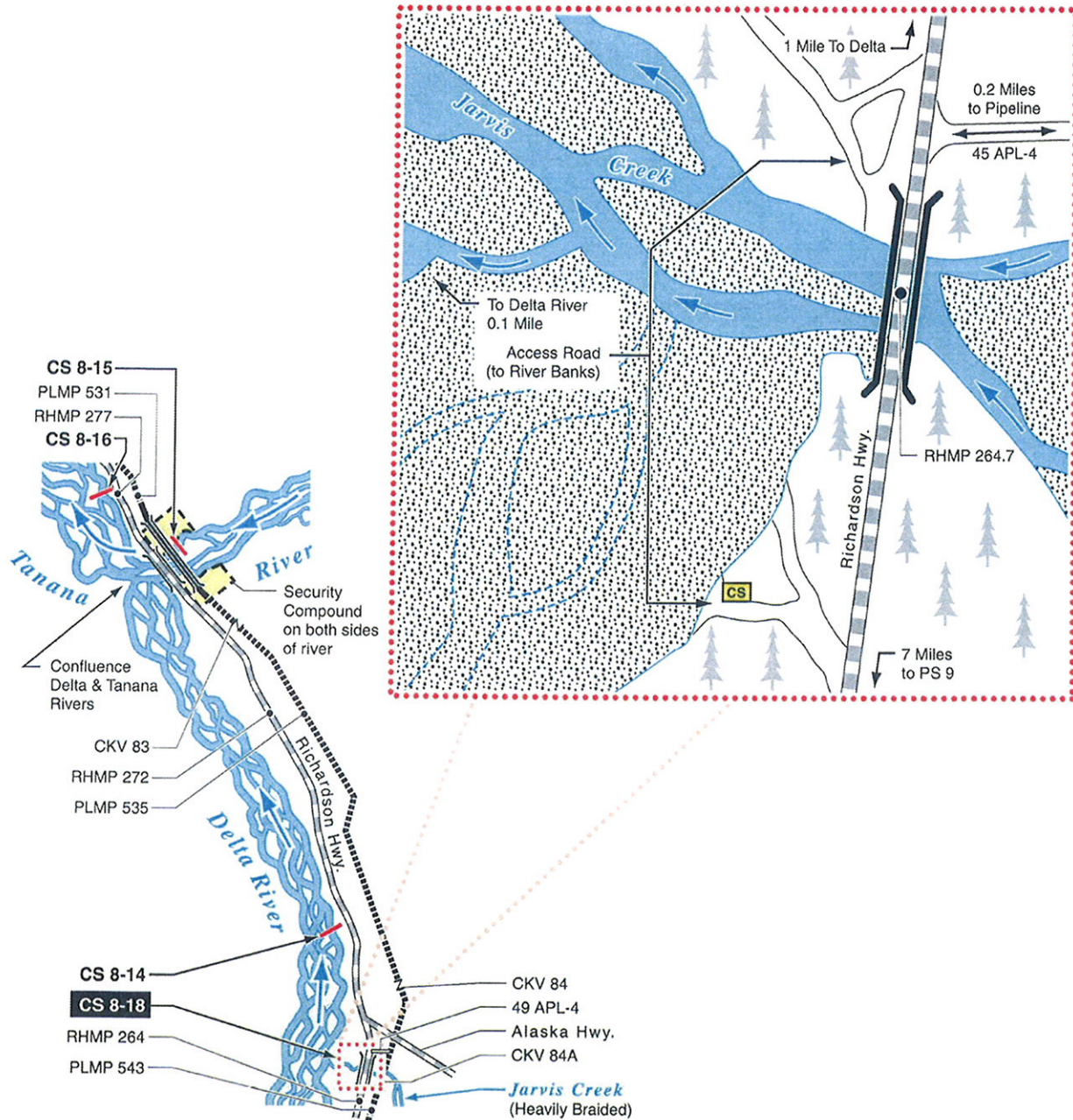
 _____ Signature	<u>Realty Specialist, BLM</u> _____ Title	<u>July 6, 2009</u> _____ Date
 _____ Signature	<u>for</u> <u>Authorized Officer, BLM</u> _____ Title	<u>7 July 2009</u> _____ Date

Note: The signed Conclusion on this Worksheet is part of an interim step in the BLM's internal decision process and does not constitute an appealable decision. However, the lease, permit, or other authorization based on this DNA is subject to protest or appeal under 43 CFR Part 4 and the program-specific regulations.

PERMIT COPY

CS 8-18 Jarvis Creek

USGS Ref. Big Delta A-4 & Mt. Hayes D-4
Alyeska Aerial Ref. 154
• N64° 01.32' • W145° 43.58'
• T10S, R10E, Fairbanks Meridian
Sec. 26: Lot 2 of U.S.S. 2626



LEGEND

Pump Station	Conex	Culvert	Bridge	Marsh	Tussock/Tundra	Trees
Containment Site	Containment Site Sign	Highway	Trail/Clearing	Brush	Sand/Gravel	
Aboveground Pipe	Belowground Pipe	Water	Low Water Crossing	Boat Launch		

Not to Scale • Robert Ellis 10/20/05

OSCS 8-18

FF094977

Exhibit 1 – Map 1